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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,613	09/30/2003	Mukund Raghavachari	YOR920030229	4202
34663 7590 09/03/2009 MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143				
EXAMINER CONTIE, JOY KIMBERLY				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 09/03/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/674,613

Applicant(s)

RAGHAVACHARI, MUKUND

Examiner

JOY K. CONTEE

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 10-12,15-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-12,15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto, US 2006/0030334, in view of Banks et al. (Banks), US 7,400,892, recently discovered

Regarding claims 10 and 18, Hashimoto discloses a in a wireless network comprising access points and wireless clients(and a computer product program embodied in a storage medium):

a method for directing a user of a wireless client to move the wireless client to a target position for improved communication, comprising:activating a location-determining mechanism for determining a most recent position of the wireless client, wherein the activating step is triggered in one of two modes: automatic and fail-safe; wherein the automatic mode comprises constantly seeking a stronger reception; and wherein the fail-safe mode comprises activating the location-determining mechanism only when the reception strength falls below a predetermined threshold;

using a wireless unit locator for determining, based on historical data on received signal strength at the most recent and target positions, whether there exists the target position for improved communication between the wireless client and the access point; a using a transceiver for providing information to the wireless client, the information comprising the target position and navigation directions to the target position.

Hashimoto fails to explicitly disclose sending an audio message comprising instructions indicating to the user of the wireless unit how to get to the improved location.

In a similar field of endeavor, Banks discloses sending an audio message comprising instructions indicating to the user of the wireless unit how to get to the improved location (col. 6, lines 36-47).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hashimoto to include sending audio messages for instruction such that a user does not have to keep his on a display while finding the way.

Regarding claims 11 and 19, Hashimoto and Banks discloses the method of claims 10 and 18 wherein the step of determining the most recent position of the wireless client further comprises receiving a global positioning system signal (see abstract Hashimoto).

Regarding claims 12 and 20, Hashimoto and Banks discloses the computer program product readable medium of claims 10 and 19 but fails to disclose wherein the computer program code for providing directions information further comprise at least one instruction from among the instructions:

providing a map illustrating a route to the target position; providing a text message comprising navigation instructions to the target position; and providing a video message (reads on visual) (see Banks, col. 6, lines 36-47).

Regarding claim 15, (Previously presented) Hashimoto and Banks discloses the method of claim 10 wherein the step of providing information comprises providing information relating to target positions within a destination area provided by the wireless client (page 2 [0020-0021]).

Regarding claim 16, (Previously presented) Hashimoto and Banks discloses the method of claim 10 wherein the information provided to the user of the wireless client is based on data relating to the wireless client's most recent position, direction and velocity (reads on evaluation based on proximity and movement of mobile, see page 2 [0021-0025]).

Regarding claim 21, (Currently amended) Hashimoto and Banks discloses the computer program product_readable medium of claim 18 further comprising computer program code using information on the most recent location, direction, and velocity of the wireless client to project the target position for the wireless client where improved communication is likely velocity (reads on evaluation based on proximity and movement of mobile, see page 2 [0021-0025]).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto and Banks, in further view of Schipper et al. (Schipper), US 6,038,444, previously used.

Regarding claim 17, Hashimoto discloses the method of claim 10 but fails to disclose wherein the step of determining the wireless client's most recent position comprises using triangulation.

In a similar field of endeavor, Schipper discloses determining the wireless client's most recent position comprises using triangulation (col. 2, lines 15-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hashimoto to include triangulation for location detection since Hashimoto suggests using various location means to get location (see page 2 [0017]).

Allowable Subject Matter

5. Claims 1,4-6,9,22-26 are allowed.
6. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/
Patent Examiner (PSA), Art Unit 2617